

### REMARKS

Claims 1-19 are pending in the present application. By this Amendment, previously presented claims 1, 4-7 and 9-10 have been amended; and new claims 11-19 have been added. Applicants respectfully request reconsideration of the present claims in view of the following remarks.

#### I. Formal Matters:

Previously presented claims 1-10 were subject to the following restriction requirement and possible election of species requirement.

##### Restriction Requirement:

The August 08, 2011 Office Action proposes to separate previously presented claims 1-10 into four separate groups:

Group I, Claims 1-7 and 9, directed to compounds and compositions of formula I wherein  $R^2$ ,  $R^3$ ,  $R^4$ ,  $A_1$ - $A_4$ , and  $B_1$ - $B_4$  are each independently H, an optionally substituted alkyl, halogen, alkoxy, cyano, or haloalkyl, and none of which form a ring together (including  $R_{4a-d}$ ), Y is a bond or C=O and  $R^1$  is not a H;

Group II, Claims 1-7 and 9, directed to compounds and compositions of formula I wherein  $R^2$ ,  $R^3$ ,  $R^4$ ,  $A_1$ - $A_4$ , and  $B_1$ - $B_4$  are substituents other than those described in Group 1;

Group III, Claim 8, directed to compounds of formula II wherein  $R^2$ ,  $R^3$ ,  $R^4$ ,  $A_1$ - $A_4$ , and  $B_1$ - $B_4$  are each independently H, an optionally substituted alkyl, halogen, alkoxy, cyano, or haloalkyl, and none of which form a ring together (including  $R_{4a-d}$ ), Y is a bond or C=O; and

Group IV, Claim 10, directed to a method of controlling, combating insects, acarines and nematodes limited to the scope of Group I or Group II.

Applicants respectfully submit that the search and examination associated with Groups I-IV above is not unduly burdensome on Examiner Desai. As stated in the MPEP, §803, "If the search and examination of an entire application can be made without serious burden, the examiner must examine it on the merits, even though it includes claims to independent and distinct inventions." For at least this reason, Applicants respectfully submit that the restriction between Groups I-IV should be withdrawn, and previously presented claims 1-10 should be examined together.

If Examiner Desai maintains the present restriction requirement, Applicants elect, **without traverse**, the claims of Group I, Claims 1-7 and 9, directed to compounds and compositions of formula I wherein  $R^2$ ,  $R^3$ ,  $R^4$ ,  $A_1$ - $A_4$ , and  $B_1$ - $B_4$  are each independently H, an optionally substituted alkyl, halogen, alkoxy, cyano, or haloalkyl, and none of which form a ring together (including  $R_{4a-d}$ ), Y is a bond or C=O and  $R^1$  is not a H.

Given the selection of Group I, Applicants respectfully request rejoinder of claim 10 as it relates to compounds of Group I.

Election of Species Requirement:

The August 08, 2011 Office Action further required an election of species if Group II or III was selected; however, as discussed above, Group I has been selected.

II. New Claims 11-19:

New claims 11-19 are directed to compounds of the present invention. Support for new claims 11-19 may be found in at least the following locations of Applicants' original specification: page 1, line 12 to page 3, line 8, page 4, lines 4-9, and original claim 1 (claims 11-15); page 11, lines 20-21 (claim 16); and page 145, lines 10-15, and original claim 9 (claims 17-19).

Applicants submit that new claims 11-19 fall within the scope of elected Group I and should be examined along with at least the claims of Group I.

Applicants further submit that new claims 11-19 are allowable over the art. Accordingly, Applicants respectfully request allowance of these claims.

III. Conclusion:

Applicants submit that claims 1-19 define patentable subject matter. Accordingly, Applicants respectfully request allowance of these claims.

Should Examiner Desai believe that further action is necessary to place the application in better condition for allowance, Examiner Desai is respectfully requested to contact Applicants' representative at the telephone number listed below.

Response To Restriction Requirement  
Serial No. 10/581,175  
Page -13-

No additional fees are believed due; however, the Commissioner is hereby authorized to charge any deficiency, or credit any overpayment, to Deposit Account No. 503025.

Respectfully submitted,  
WITHERS & KEYS, LLC

/James D. Withers/

By: James D. Withers

Reg. No. 40,376

WITHERS & KEYS, LLC  
P.O. Box 2049  
McDonough, Georgia 30253  
678-485-8324

W&K Matter No.: 10075.0084USWO  
Syngenta Docket No.: 70313